

To: Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)

From: W. David Munday

Date: September 25, 2004

Subject: On-Site Assessment Report for the Nebraska State Patrol

**A. Dates of the On-Site Assessment:**

September 18-23, 2004

**B. Assessment Team:**

1. Team Leader: W. Dave Munday  
Major, North Carolina State Highway Patrol  
4702 Mail Service Center  
Raleigh, NC 27699-4702  
919-733-5282  
[wmunday@ncshp.org](mailto:wmunday@ncshp.org)
2. Team Member Timothy G. Baysinger  
Captain, Missouri State Highway Patrol  
1510 East Elm Street  
Jefferson City, MO 65109  
573-526-6250  
[baysit@mshp.state.mo.us](mailto:baysit@mshp.state.mo.us)
3. Team Member Ricardo H. Anderson  
Sergeant, United States Capitol Police  
10222 Green Forest Drive  
Silver Spring, MD 20903  
202-224-9821  
[Ric-Anderson@cap-police.senate.gov](mailto:Ric-Anderson@cap-police.senate.gov)

**C. CALEA Program Manager and Type of On-site:**

Karen Shepard  
Initial Accreditation, D Size Agency, Law Enforcement Accreditation

**D. Agency Profile:**

1. Community History and Description

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 2

Early explorers once described Nebraska and the surrounding area as a "Great Desert". Little did they realize that the state would later become a breadbasket for the nation and much of the world. The pioneers who settled in Nebraska in the late 1800's deserve much of the credit for transforming the state from a land considered unfit for cultivation to an agricultural oasis. Promised free land by the federal government under the 1862 Homestead Act, farmers stubbornly fought economic hardships, droughts, and insects. In later years, scientific farming methods and irrigation dramatically increased farmers' yields and brought prosperity to the state. Today, Nebraska ranks among the leading states in many agricultural production categories.

The State of Nebraska encompasses a total of 76, 878 square miles and ranks 16<sup>th</sup> among the states in land and water area and 15<sup>th</sup> in land alone. Approximately 1.8 million people live in Nebraska making it the 38<sup>th</sup> most populous state in America. Nearly half of the state's residents live in the three largest counties-Douglas, which includes Omaha; Lancaster, which includes Lincoln, the state's capital city; and Sarpy, which has a growing suburban population. Douglas County alone has more than a quarter of the state's population.

### 2. Governmental Organization

Nebraska's government is divided into three branches: legislative, executive, and judicial. Nebraska is the only state in the nation with a unicameral (one-house) legislature and the only state with a nonpartisan legislature. The 49 legislatures, called state senators, serve four-year terms. Nebraska's Chief Executive Officer is the Governor, who is elected for a four-year term. Other elected four-year term officials are the Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, and Attorney General. Since Nebraska's Constitution allows no indebtedness; government expenses must be met on a pay-as-you-go basis. Most state revenues are generated through sales and income taxes. Other revenue sources include taxes on insurance premiums, gasoline, tobacco, and liquor.

### 3. Biography of CEO

Colonel Tom Nesbitt was appointed to the rank of Colonel by Governor Mike Johanns on January 7, 1999. As Superintendent of the Nebraska State Patrol, Colonel Nesbitt is the executive head of the agency. He also

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 3

serves as liaison between the State Patrol and other law enforcement agencies.

Colonel Tom Nesbitt joined the Nebraska State Patrol in 1978 and has served in various positions such as the Sergeant assigned to the Rural Apprehension Program (RAP) Drug Task Force, a drug investigator, a liquor investigator, and a member of the Executive Protection Division and most importantly a road trooper.

Before joining the State Patrol, Colonel Nesbitt was an officer with the Pierce Police Department and York County Sheriff's Office as a deputy. Colonel Nesbitt is active in various professional and civic activities. He is a member of the Crime Commission and a board member of the Nebraska State Patrol Foundation. He is a member of the International Association of Chiefs of Police (IACP), the American Association of Motor Vehicle Administrators (AAMVA), Police Officers Association of Nebraska (POAN), Nebraska Sheriff's Association (NSA), and the Police Chief's Association of Nebraska (PCAN).

Colonel Nesbitt has served on the Nebraska Coalition for Victims of Crime Board and Critical Incident Stress Management Board. He is currently the Chairperson for the Statewide Communications Alliance of Nebraska Board and on the Board of Directors for several organizations, including Nebraska Special Olympics, Safety and Health Council, Child Advocacy Center, and American Legion Cornhusker Boy's State.

Past professional organizations include the position of President for the State Troopers Association of Nebraska, President of the State Law Enforcement Bargaining Council, Statewide Co-Director of the Law Enforcement Torch Run for Special Olympics, and a member of the Board of Directors for the National Troopers Association.

Colonel Nesbitt and his wife Deb, have a son, Nick, and a daughter, Bailey. He was born and raised in Fullerton, Nebraska and currently lives in Lincoln.

#### 4. Agency History and Description

The establishment of the Nebraska State Patrol was initiated in 1925 when Governor Adam McMullen addressed the Legislature concerning the need for increased safety of the users of Nebraska public roads. On November

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 4

22, 1937, forty-four men took the oath of office as Nebraska State Patrol Officers. During the first year of operation, the Patrol reduced the motor vehicle fatalities by 30 percent from the previous year.

Today, the Nebraska State Patrol has over 505 sworn officers and 216 non-sworn support personnel of staff. The Patrol provides primary law enforcement services to the unincorporated areas of the state, and is a valuable resource to many of the local Sheriff's. They proudly serve 1.3 million citizens by patrolling a total of 70,000 square miles of roadways. The Nebraska State Patrol is divided into four distinctive divisions: The Superintendent's Office, Field Services, Investigative Services, and Administrative Services. Each division has its own unique duties and responsibilities with various sections reporting to a Major. Patrol officers are stationed within six troop areas throughout the state to provide maximum coverage and service.

General patrol functions are the responsibility of the patrol officers who are assigned to troop areas commanded by a Captain. The K-9 operations, Air Wind Support, and the Community Policing Sergeant report to the Troop Area Captain as well. The Investigative Services Major directs numerous specialized units such as the Crime Lab, Fingerprint Section, Alcohol/Tobacco Enforcement, and all other investigative units within the department. Investigators are assigned to each respective troop area. The Administrative Services Major directs the accounting function, training, legal, technology, communications, accreditation, supply, personnel, and grants. The Headquarters Troop is located in the Capitol City of Lincoln.

The accreditation function is the responsibility of the Office of Professional Standards under the direction of Captain Dave Sankey. The Accreditation Manager for the Nebraska State Patrol is Lieutenant David Dishong.

### 5. Future issues Facing This Agency and its Service Environment.

As with many law enforcement agencies throughout the nation, the Nebraska State Patrol is in a fiscal crisis. Personnel allotments continue to plague the State Patrol with the increase in duties and responsibilities brought about by the threat of domestic terrorism. However, Colonel Nesbitt is confident that the Legislature will recognize the need for

additional officers to maintain the quality of service provided by the Nebraska State Patrol.

**E. Agency Demographics:**

The service area population of the region, according to the latest census figures, reflects a Caucasian population of about 88%, African American 4%, Hispanic 6%, and Other 2%. The percentage breakdown for the Nebraska State Patrol of current sworn positions reflects that 97% (494) are Caucasian, 1% (6) African American, 1% (4) Hispanic, and 1% (1) Other. The provided Agency Demographics Report indicates an available workforce of female officers to be in the 18% category. The Nebraska State Patrol employs approximately 5% (26) female officers.

The agency has in place a recruitment plan that emphasizes through policy and practice aggressive marketing to all citizens, including minorities and women, in an effort to attract the most qualified applicants. The Nebraska State Patrol seeks cooperative agreements with other law enforcement agencies regarding the referral of qualified applicants, or the exchange of information regarding individuals who have expressed interests in law enforcement careers. The agency also communicates with community/state outreach programs to enhance and broaden the exposure of the agency and the recruitment program. Recruitment Officers are required to post information regarding recruitment activities and position vacancies with community service organizations statewide. The State Patrol's Student Intern Program is considered an important source of potential applicants for employment.

**F. CALEA Agency Annual Report:**

Each accredited or recognized agency submits an accreditation Annual Report to CALEA on the first and second anniversary of their accredited status. The annual report is a statement by the agency outlining their compliance status and significant events for the previous year. This section reviews compliance and/or non-compliance issues reported by the agency.

Due to this being an initial accreditation, no Annual Report is required.

**G. Pre-assessment Planning:**

The agency conducted a mock assessment on July 18-22, 2004 by qualified assessors from other state agencies and local police departments in the region. The mock was certainly a contributing factor to the success of this on-site.

**H. Previous Assessment Issues:**

This section identifies areas that were reported as problematic during the previous on-site assessment to facilitate, review, and compare with the current assessment. This was an initial accreditation onsite.

**I. On-site Assessment Summary:**

1. Offsite standards review

Prior the actual onsite, calls and e-mails were generated to assessment team members discussing chapter assignments and preparation. Chapter assignments were based on assessor interest, law enforcement background, and prior onsite experience. The off-site review was conducted during the first two weeks of August 2004, with each assessor receiving and reviewing files that were previously assigned.

There were a total of 120 standards submitted for review by the agency. The files were thoroughly reviewed and returned to the Accreditation Manager with individual notes concerning additional documentation or clarification. The off-site review indicated that the files were in good operational order, and provided the assessment team with a favorable impression of the agency prior to their arrival.

2. Assessor and Agency Orientation

Lieutenant David Dishong met with the assessment team at the Lincoln Municipal Airport upon their arrival. Lieutenant Dishong welcomed everyone to Nebraska and transported the team to the Cornhusker Hotel in downtown Lincoln. While en-route to the hotel, Lieutenant Dishong and the team leader discussed the onsite agenda and travel plans. Lieutenant Dishong provided the assessment team with a state-owned vehicle for transportation.

Before retiring for the evening, the assessment team conducted a training session discussing assessor responsibilities and assignments. The goal of

the assessment team was to provide the agency with a thorough review and to document and record all relevant information associated with the onsite.

3. Agency Tours and Displays

On Sunday, September 19, 2004, the assessment team was escorted from the hotel to Lincoln Municipal Airport for a quick flight to Grand Island, to evaluate and observe the agency's static display. Colonel Tom Nesbitt accompanied the assessment team on the flight where he offered his full support to the assessment team. Upon arrival, the team was introduced to members of the Command and Training Academy staff. The static display was conducted in front of the Training Academy with various pieces of equipment on display to the assessment team. Sergeant Connelly described the K-9 unit's duties and responsibilities. The Nebraska State Patrol has 15 trained handlers and dogs to conduct searches and assist patrol personnel. The unit conducts monthly training to keep the dogs and their handlers at peak performance. The agency has an impressive kennel located at the academy to board and care for the animals.

Trooper Duis and Prohl briefed the assessment team on the SWAT functions and equipment. The agency has a various array of lethal, and less-than-lethal weapons to assist in taking control of any situation. The members assigned to the team are properly trained and equipped to perform their duties effectively.

The Bomb Unit is run by Sergeant McKinstry who is a veteran bomb technician. The bomb squad works closely and trains with the Lincoln, Omaha, and Scottsbluff Police Departments. The agency has a robot that is used for removing or detonating explosive devices. Currently, there are five (5) bomb technicians assigned to the unit.

Trooper Frye proudly displayed his marked patrol unit and described each piece of equipment available to the troopers. His vehicle was well stocked, organized and equipped with the necessary tools to carry out his duties. The vehicle was equipped with a time-distance speed recording instrument and radar to assist in traffic speed enforcement. Trooper Frye answered several questions from the assessors concerning training, scheduling, and officer safety issues as it related to applicable standards.

Trooper Lewis explained the unique responsibilities and duties assigned to the Motor Carrier Section and displayed his assigned patrol unit. The sport

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 8

utility vehicle is equipped with portable scales to weigh trucks traveling on Nebraska highways to ensure federal weight requirement are met.

Mr. Don David enlightened the assessment team with the task of the Central Nebraska Motorist Assist Program. The unit consists of volunteers who aid the Nebraska State Patrol in assisting motorists in need.

The Hazardous Materials Coordinator for the department is Sergeant Wagner. He displayed the equipment that is at his disposal to respond to various hazardous materials related incidents. Sergeant Wagner is very knowledgeable concerning hazardous material safety issues and regulations.

Sergeant Frank and Trooper Ward provided the assessors with a guided tour of the agency's Major Case Unit Trailer. The trailer is stocked with the necessary equipment to manage the most complex crime scenes. The equipment is inspected accordingly to ensure operational readiness.

Trooper Astrones operated the roll-over simulator and described its purpose in reducing personal injury related crashes as it related to seat belt use. The agency has eight (8) Community Police Officers assigned to each Troop to assist with traffic safety initiatives and educational programs.

At the conclusion of the static display the assessors commended and thanked each of the presenters for their participation in the process. The assessment team was then given a complete tour of the Nebraska State Patrol Training Academy by Lieutenant Mark Williams. In 1998, the Nebraska Legislature authorized the collocation of the Nebraska State Patrol's Training Academy with the Nebraska Law Enforcement Training Center in Grand Island. The facility encompasses 133,800 square feet of space and can accommodate lodging for 200 people. The Academy has allowed the Nebraska State Patrol to provide high quality training to basic recruits and incumbent troopers alike. The facility allows for flexibility in scheduling for all divisions and has allowed for expansion of training in many areas.

This concluded the academy tour and the assessment team were transported back to Patrol headquarters via state aircraft.



4. On-site standards review

The file review portion of the onsite was conducted in a conference room adjacent to the Colonel's Office at the Headquarters Building. Lieutenant Dishong provided the assessment team with onsite review manuals which afforded relevant information about the agency. He further described the mechanics of how the accreditation files were set up and maintained.

The assessment team reviewed onsite related files on Sunday afternoon. The agency was able to provide evidence of compliance for files that were returned for lack of documentation or for clarification. The assessment team retired for the evening at approximately 6:00 p.m. after a short briefing with the Accreditation Manager concerning the events of the day and agenda confirmation for Tuesday. The assessment team arrived at 8:00 a.m. on Monday, September 20, 2004, to continue onsite activities. The assessment team dedicated the entire day to review files and interview departmental personnel concerning applicable standards. Team Leader Munday called the Program Manager for the agency, Ms. Karen Sheppard, and provided her with a progress report concerning the onsite. Once again, the accreditation staff was very helpful and responded quickly to the requests made by the assessment team.

On Tuesday, September 21, 2004, the assessment team concluded their file review. Several interviews were conducted with agency personnel and the Accreditation Manager to corroborate compliance through observation and discussion.

5. Panel standards review

On Tuesday afternoon, September 21, 2004, the assessment team conducted interactive compliance discussion with various departmental personnel. During the discussions, the team examined agency compliance with several standards. Without exception, every presenter came prepared and well versed on the subject matter of their discussion as it related to applicable standards.

A total of ten (10) people made presentations covering 18 specific standards to the assessment team during the panel discussions. The focal point of the discussion is documented in Section T (Quality of Law Enforcement) of this report.

The following members of the Nebraska State Patrol gave presentations to the assessment team during the panel discussions portion of the onsite.

Presenter	Standards
Mr. Kent Weber	Crime Analysis
Ms. Jan Auten	Criminal Intelligence
Ms. Lucinda Dowding	Goals and Objectives
Ms. Angela Bell	Property and Evidence Control
Ms. Tami Ringland	Recruitment
Lieutenant Mark Williams	Training
Lieutenant Paul Hattan	Internal Affairs
Captain James Parrish	Traffic
Captain Lloyd Peters	Criminal Investigations
Ms. Sue Dedick	Promotional Process

6. Key activities

During the onsite, the assessment team traveled to various troops throughout the state to acquire a better understanding of the organization. Each assessor was accompanied by a Patrol member who served as a guide and facilitator during the visits. The assessment team traveled in three geographical directions by ground transportation due to weather concerns.

Assessor Munday was accompanied by Lieutenant Gerry Krolikowski, who is assigned to the Carrier Enforcement Section. Lieutenant Krolikowski transported Assessor Munday to the Troop A Investigative Office in Omaha where they were met by Sergeant Robert Elliot. After the introductions and a short discussion concerning the onsite, Sergeant Elliot provided a tour of the facility. The Investigative Office is located in an industrial/business section of the city providing a non-conspicuous location for investigators. The office also houses local and federal investigative units including regional task forces. Assessor Munday reviewed the filing system used by the section concerning investigations. During the review assessor Munday discovered juvenile investigative files within the same files as those for adult offenders. This was brought to the attention of the Accreditation Manager and was corrected immediately. This appeared to be an isolated incident and not a common practice of the agency. Sergeant Elliot described the unit's scheduling procedures and call-out system for non-business hours. Investigators are on a 24-hour call-out arrangement for any call that may require their assistance.

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 11

Assessor Munday then traveled to the Troop-A Patrol Division Office under the command of Captain M. Jones. Troop A is considered the smallest troop with only 4 ½ Counties. However, Troop A encompasses one-third of the States population with approximately 200,000 commuters per day traveling along I-80. The troopers assigned to this troop provide 24 hour law enforcement services to the citizens. Captain Jones provided Assessor Munday with an inclusive tour of the Troop-A facility and office. During the tour, Assessor Munday spoke to numerous employees concerning their duties and responsibilities. Everyone spoke openly and confidently about the agency's mission and vision.

Ms Monica Spanke is the Communications Center Supervisor and was on duty during the tour. She, along with Joani Kleesang, demonstrated the procedures used in the communications center during day-to-day operations. The agency's radio operation is conducted in accordance with all Federal Communications Commission (FCC) procedures and requirements through a low-band radio system. The Nebraska State Patrol Communications Center is not considered a primary answering point and responds to (911) generated calls for service. Ms. Spanke demonstrated the play-back capabilities on the radio console and described the security procedures in place at all of the base station tower locations.

Mr. Bryan Wiseman is the Evidence Technician for Troop-A and he provided a tour of the evidence and property room. He described the procedures for receiving all in custody and evidentiary property obtained by employees into agency control. Guidelines are made available to troopers for packaging and labeling property prior to storage. Assessor Munday reviewed several pieces of evidence and found everything to be in order. Extra security measures are in place for handling exceptional, valuable or sensitive items such as currency and jewelry to include safe deposit boxes and vaults. Mr. Wiseman maintains strict control of all evidence and property obtained by the agency.

Assessor Munday then traveled to the west-bound Waverly Scale on I-80 and was met by Sergeant Les Zimmerman who discussed the Carrier Enforcement Division's responsibilities. The facility was immaculate with all of the latest technology to weigh trucks while in motion.

The next stop included the Supply Warehouse under the direction of Lieutenant Ken Dahlke. The facility maintains inventory and control of all agency equipment including vehicles and uniforms.

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 12

The Headquarters Troop Patrol Division Office is commanded by Captain Darrell Fisher. Captain Fisher provided a complete tour of the facility with Assessor Munday and answered several accreditation related questions concerning his operation. Upon the completion of the field tours, Assessor Munday was transported back to the hotel.

Assessor Anderson was escorted by Captain David Sankey where they visited offices located in Seward, York, Grand Island and Hastings. Assessor Anderson interviewed and talked with several agency employees concerning the department's pursuit of accreditation. He also observed departmental procedures as they relate to applicable accreditation standards.

Assessor Baysinger visited the Troop-C Patrol Division in Grand Island with Captain Julie Maaske as his guide. Assessor Baysinger was introduced to Captain Fred Ruiz who serves as the Commander for Troop-C. Captain Ruiz conducted an informative tour of the facility and provided introductions to several agency staff members. Captain Ruiz was involved with the development of the agency's cultural diversity policy and training. Assessor Baysinger observed the Troop's Communications Center to ensure compliance with all applicable standards. Communications Specialist Craig Schoneberg and Jill Guthrie discussed their duties and responsibilities as radio operators. Assessor Baysinger reviewed the test logs for the alternate power source and found them to be in good order.

Investigator Lorri Roger facilitated a tour of the property and evidence room located within the Troop-C Office. Monthly inspection logs were verified for compliance indicating that random checks were being conducted as required by policy. The agency also has a long term evidence facility located just outside Grand Island. The climate controlled building contained several rooms designated for exclusive use by each Patrol Troop. Evidence Technicians from each Troop have a different alarm code to allow entry to their particular section. The facility is equipped with a walk-in vault to secure property of high monetary value. Access to the building and individually locked rooms require signature entries on a sign-in log.

### 7. Public information

The Nebraska State Patrol contacted the two largest newspapers in the state prior to the onsite in an effort to solicit public comments from residents. The notices were printed in September 2004 advertising the assessment review. A news release was also prepared and sent to all other media outlets along with a continuous posting of the onsite on the agency's web page.

8. Team/agency conflicts

There were no conflicts between the assessment team and the agency during the onsite. All discussions were conducted in a professional and business-like manner between the Team Leader and the Accreditation Manager.

9. Exit interview

On Thursday, September 23, 2004 at 10:30 a.m. the assessment team met with Colonel Nesbitt and the entire Command Staff as well as the Accreditation Manager to discuss the findings of the onsite. Team Leader Munday opened the discussion by thanking all of those who were present for their full support and commitment during the review. Assessor Baysinger and Anderson provided an overview of their individual chapter assignments and discussed their finding during the onsite. The single applied discretion issue concerning the annual security audit of the agency's central records system was discussed along with the 13 file maintenance issues discovered during the file review. A complete synopsis of the onsite was conveyed to Colonel Nesbitt for his review. Colonel Nesbitt thanked the assessment team for their work and professionalism during their stay in Nebraska. The exit interview concluded at 11:30 a.m. and the assessment team was transported to the Lincoln Regional Airport for departure.

**J. Table: Standards Summary:**

Standards	Total
Mandatory (M) Compliance	284
(M) Noncompliance	0
Waiver	0
Other-Than-Mandatory Compliance	69
(O) Noncompliance	0
(O) Elect 20%	10

Not applicable	83
Total	446

**K. File Maintenance**

This section reports on the condition of the agency's file presented to verify proof of compliance with accreditation standards. This includes organizing and marking file for review, clerical issues, the adequacy, correctness, and currency of proofs used for compliance. Generally, this section indicated preparation and understanding of the accreditation process. This section does not indicate compliance with standards or report on agency practices.

The assessment team found the condition of the agency's files to be assessor friendly and inclusive of the necessary documentation. On occasion the Accreditation Manager was required to seek existing documentation to support the applicable standard in question.

A total of 13 files were returned during the course of the onsite by the assessment team. The majority of the files lacked some sort of documentation needed to provide additional proof of compliance. All files in question were corrected and returned for compliance verification without delay.

**L. Performance activities:**

The accreditation process has 49 time-sensitive issues that require some type of agency action within specific time frames. Included are reports, analysis, reviews, inspections ranging in a time frame from weekly to periodically, or once in three years. These activities are important to agency operations, public safety, and liability concerns. This section reports on, summarizes the quality of the reports, and describes impact on the agency.

The onsite assessment team thoroughly evaluated all time-sensitive standards required by the agency and found them all to be in the established time frames required by standard and policy.

Troopers receive initial and annual in-service training in law enforcement tactics and procedures which include bias based profiling. The agency conducts an annual administrative review of agency practices including citizen concerns. The review serves as an administrative tool to identify and/or policy modifications as it relates to bias based profiling. (1.2.9).

Investigative reports are required for every use of force incident involving serious bodily harm or death caused by a department member while acting under their oath of office. All firearms discharged other than recreational or training purposes are reported and investigated. (1.3.6).

The Troop Area Commander meets with the member after a use of force situation and submits a written report to the Superintendent. An Investigator conducts a thorough investigation of every incident which results in serious injury or death. The Special Operations Coordinator prepared a report to the Colonel with recommendations concerning training considerations (1.3.7). The agency reviews use of force policies and ensures less-than-lethal weapons proficiency during annual in-service training (1.3.11).

The agency uses a generic database to ensure periodic accreditation compliance reports, reviews and other activities are accomplished. The report lists the action to be taken, description or report and the person responsible (11.4.3). The annual formulation of goals and objectives requires that all Troop Area and Division Commanders submit individual goals and objectives that are consistent with departmental goals (11.5.1).

The Research and Planning Division is responsible for the collecting and analyzing of data necessary for preparing reports utilized by the agency in assessing and distributing personnel. The workload assessment is completed and distributed annually (16.1.2). Every year, all Commanders submit a specialized assignment staffing report. The agency reviews each specialized assignment to determine if the assignment should continue (16.2.1).

It is the responsibility of each Troop Area and Division Commander to submit an annual budget report reviewing the applicable portion of the biennial budget. The report is submitted at the beginning of the fiscal year (17.2.2). The agency's Budget Officer prepares a monthly statement of financial position which reflects the initial appropriation for the agency for each program identifying the expenditures and encumbrances for the fiscal year (17.4.1).

The Commander of the Human Resources Division coordinates the grievances filed by agency personnel. The Commander prepares an annual review for the Superintendent of all grievances filed identifying trends or specific problem areas to minimize future grievances. (25.1.3).

The Nebraska State Patrol identifies annual in-service training requirements in its annual training report. The report includes specific topics and hours of instruction

needed. (33.5.1).

The agency conducts annual performance appraisals on all employees. Detailed guidelines are provided to supervisors to assist personnel in completing the appraisals (35.1.2). The agency's early intervention program requires that an analysis be conducted annually to identify patterns or trends (35.1.15c).

After action reports are completed by Troop Area Commanders at the conclusion of any unusual occurrence or activity (46.1.11e). Agency Incident Command Training is conducted annually with exercises conducted on a regular basis with other agencies to ensure a unified command approach. (46.1.11f).

Every component of the agency is inspected every three years (53.2.1). All emergency power generators are required to be checked monthly by Nebraska State Law and departmental policy (81.3.2).

**M. Applied Discretion Compliance Discussion**

This section provides specific information on standards found to be in compliance after on-site "adjustments" were made. Adjustments may include modifying agency policies and directives, creating documentation, alteration of the physical plant, deficiencies in performance activities, and "wet ink" issues, where the written directive is newly issued.

The agency had one (1) standard in applied discretion.

82.1.6      Written Directive requiring an annual audit of the agency's central records computer system for verification of all passwords, access codes and access violations.

The agency did not have a policy that required an annual audit of the Central Records Computer System to verify passwords. Proofs indicated that the agency was conducting monthly audits, however no policy was present. A department policy was established during the onsite to ensure annual audits be conducted by the Information Systems Coordinator. (82.1.6)

**N. Standards Noncompliance Discussion:**

The Nebraska State Patrol was in compliance with all applicable standards.



**O. Waiver Concurrence/Nonconcurrence Discussion and Recommendation:**

In unusual situations, the Commission may grant the agency a waiver from complying with a standard or parts of a standard. Assessors must verify all Commission approved waivers.

No waivers were granted by the Commission to the Nebraska State Patrol during this onsite period.

**P. Standards Status Changed by Assessors:**

This is primarily a CALEA administrative section that indicated changes to standards applicable to the agency. Changes result from modifications of agency responsibilities and operations, assessor reevaluation of a situation, and revisions of standards by the Commission.

45.1.2        The agency assists in organizing crime prevention groups in residential and business areas. The agency lists the standard as Not Applicable by Function because the agency is not directly involved with crime prevention groups. The status of this standard was changed from Not Applicable to Mandatory in Compliance. The Nebraska State Patrol does, in fact, have a liaison with residential and business groups endorsing crime prevention programs.

74.21.        Written directives govern the service of civil process documents. The agency originally placed this standard in the Not Applicable category. However, the agency is required to serve civil process when specifically ordered by the court. The status was changed to Mandatory in Compliance.

**Q. 20 Percent Standards:**

CALEA agencies must be in compliance with at least 80% of applicable other than mandatory (O) standards. The agency is free to choose which standards it will meet based on their unique situation. This section administratively clarifies the standards for the agency, assessors, and CALEA Commissioners.

The agency was in compliance with 88% of applicable other-than-mandatory (O) standards.

The following ten (10) standards were placed in the 20 percent category by the

agency before the assessment began:

- 21.1.1 Task analysis of every sworn employee in the agency, a thru c.
- 33.8.1 Training requirements for career development activities.
- 44.1.2 Review and comment by other elements of the juvenile justice system in the development of the agency's policies.
- 44.1.3 Annual review and written evaluation of all enforcement and prevention programs relating to juveniles.
- 45.1.1 Agency's crime prevention function, a thru c.
- 45.2.1 Community involvement functions, a thru h.
- 45.2.2 The person or persons responsible for the community involvement function prepares a quarterly report and submits it to the Chief Executive Officer.
- 45.2.4 Survey of citizen attitudes and opinions is conducted at a minimum of every three years.
- 46.1.10 Plan for handling special events, a thru g.
- 55.1.2 Analysis of victim/witness assistance information provided by the agency.

The agency elected to place the following standard in the 20 percent category during the assessment.

- 45.2.3 Establish procedures for transmitting relevant information received by any agency member required by 45.2.2.

**R. Public Information Activities:**

Public notice and input are a corner stone of democracy and CALEA accreditation. This section reports on the community's opportunity to comment on their law enforcement agency and to bring matters to the attention of the Commission that otherwise may be overlooked.

1. Public Information Session

No public information session was necessary due to this being a state agency assessment.

2. Telephone Contacts

During the telephone call-in session, the assessment team received a total of (8) calls. Several of the callers did not wish to give their names to the assessment team and remained anonymous. At least two (2) of the callers alleged racial profiling by the Nebraska State Patrol and obvious displeasure for the current command staff. The assessment team interviewed numerous people and reviewed current policy and procedures concerning bias based profiling issues. Through the assessment team's research and observations, it was determined that there was no merit to the allegations provided by the anonymous callers.

Another anonymous caller charged that members of the Nebraska State Patrol did not properly investigate a fatal collision involving the caller's son. The initial investigation was conducted by the Sheriff's Office in Merrick County. The caller stated that she sought assistance from the State Patrol and was never contacted concerning the outcome of the investigation. Assessor Baysinger conducted a follow-up inquiry concerning the allegation. He interviewed Captain Ruiz from Troop C in Grand Island. Captain Ruiz advised that he recalled the case and did not in fact contact the mother of the fatal victim and informed her that a Carrier Enforcement Officer would assist in attempting to locate a tractor trailer possibly involved with the crash. Attempts to investigate the collision by both the Sheriff's Office and the State Patrol did not result in a conclusion desired by the mother of the victim.

Assistant Chief John Becker from the Lincoln Police Department called and praised the Nebraska State Patrol in its pursuit of accreditation. He stated that the collocation of the training academy with the State Patrol has been a success for both state and local officers. Assistant Chief Becker is a member of the Nebraska Police Standards Advisory Council and works closely with the State Patrol training academy staff.

Mr. Pat Mallone called and voiced his concern over a citation his girlfriend received for fictitious plates. He advised that the plates were not expired and that she had a new plate in the back seat. Mr.

Mallone stated that the case was ultimately dismissed by the court; however, he had to devote a great deal of time in getting the matter corrected. He further stated he heard the onsite activities for the Nebraska State Patrol on the radio.

Chief Cassidy from the Lincoln Police Department also called and commended the employees of the Nebraska State Patrol assigned to the Headquarters Troop Area. Chief Cassidy specifically mentioned his agency's involvement with the planning of a large demonstration in the city involving the National Socialist Movement and how the operations was a success.

Captain Terrance Sherill called the assessment team and indicated that he assisted the agency with their mock assessment. He also commented on the good relationship between the two agencies and the command level support of the accreditation efforts by the State Patrol.

### 3. Correspondence

A total of three (3) letters were received by the Commission on accreditation for Law Enforcement Agencies, Inc. (CALEA) during the onsite.

Chief Thomas Warren from the Omaha Police Department wrote a letter in support of Nebraska State Patrol's accreditation efforts. He talked about the importance of inter-agency assistance and how the State Patrol has assisted his agency with resources to make his community safer for the public.

Captain Terrance Sherill from the Lincoln Police department also wrote a letter of support for the Nebraska State Patrol. He pointed out the assistance he receives from the State Patrol's Accreditation Manager concerning accreditation questions within his own department.

Mr. Harry A. Jordan, 11293 Lake Forest Drive, Omaha, Nebraska wrote and provided his account of an incident where his vehicle was damaged by falling gravel from a state owned dump truck. He advised a state trooper was following the dump truck soon after the

stone struck his vehicle and the trooper did not stop the truck. The identity of the trooper was not known. Mr. Jordan went on to say that the State Patrol needs additional troopers and that he respects the troopers; however, he does not agree with their inconsistencies in reporting property damage incidents.

4. Media Interest

A complete news release announcing the onsite assessment was released to the media approximately three weeks prior to the onsite. A reporter from the Journal Star in Lincoln contacted the Accreditation Manager concerning the calls received during the agency's call-in session. The reporter was provided basic information concerning the nature of the calls from the Public Information Officer and wrote an article in the next day's publication.

5. Public Information Material

The agency developed and distributed a comprehensive public information plan which was distributed throughout the state. The plan provided instructions on how the public and members of the department could contact the Commission.

S. **Exemplary Policies/Projects/Procedures:**

An exemplary project is a unique or extraordinary program, practice, or procedure that enhances some aspect of law enforcement professionalism, or service, or impacts positively on the community. Exemplary projects do not have to address specific CALEA accreditation standards but they must meet established guidelines with measurable results. Exemplary projects are voluntary and the lack of exemplary projects does not affect an agency's ability to become accredited nor suggest the agency is somehow deficient.

The agency elected to submit two (2) exemplary projects for review:

### **Collocation of the Nebraska State Patrol Training Academy**

In 1998, the Nebraska Legislature authorized the collocation of the Nebraska State Patrol's Training Academy with the Nebraska Law Enforcement Training Center in Grand Island, Nebraska with the passing of a Legislative Bill. The bill strongly supported by the Nebraska State Patrol as a means to provide a new training facility for the agency which would enhance the efficiency of training programs and reduce training costs. The facility would also be more centrally located in the state and would reduce travel time and expense for personnel going to the facility.

Collocation of the training facilities would permit the independent and distinct operation for each agency's academy while achieving maximum results for individual students. The project allows for each agency to conduct independent training operations of basic law enforcement recruits, but allow for, and encourage joint training activities for the Nebraska State Patrol and other law enforcement agencies. The projected cost of the project was \$12,000,000.

On April 7, 2001, the Nebraska State Patrol Training Division moved to Nebraska Law Enforcement Training Center in Grand Island. The facility currently has 133,800 square feet of space and has incorporated numerous courses of study for law officers and troopers throughout the state.

### **Domestic Violence/Sexual Assault Statewide Program**

The Nebraska State Patrol embarked upon a project which utilized a multi-disciplinary approach to increase the likelihood that perpetrators of violent crimes in domestic violence and sexual assault cases were held accountable for their actions. It was determined that it was of utmost importance to develop and coordinate a consistent approach to the training of law enforcement officers regarding the response of these type of cases. The Nebraska State Patrol implemented a statewide program to promote the coordination with all law enforcement, prosecutors, victim service organizations, and probation officers in the state.

A full-time program manager has been appointed to develop and deliver training to Nebraska State Patrol Troopers and all other law enforcement officers. The need for the program manager to function as a resource and liaison with other law enforcement agencies and victim advocate groups is viewed as an essential component of the program. The program has allowed

the Nebraska State Patrol to be in the forefront of law enforcement in the state and to set a professional example and to gain the trust of all disciplines involves, including victims of domestic and sexual assault. It has also brought a new understanding to the Nebraska State Patrol as to the importance and role of law enforcement in the proper response and handling of domestic violence incidents. The improved documentation and investigation of domestic violence cases assists with the subsequent prosecution of the case holding the perpetrators responsible for their actions.

Members of the assessment team individually reviewed the exemplary projects submitted by the agency. The team as a whole agreed that each project has merit and should be considered by the Commission.

**T. Quality of Law Enforcement Service:**

Based on chapters in CALEA's standards manual, this section presents a comprehensive view of the agency and indicates the quality of service provided. When appropriate, agency and individual strengths are emphasized and areas of needed improvement discussed.

**Chapter 1 Law Enforcement Role and Authority**

Nebraska General Statutes require the Superintendent of the State Patrol and all of the assigned officers to take and affirm to an oath of office and support the Constitution of the United States and the State of Nebraska. It is the policy of the State Patrol that all sworn members must adhere and abide by canons code of ethics and a departmental code of ethics.

The Nebraska State Patrol supports the criminal justice and social services diversion programs through the cooperation between detoxification centers, mental health groups, drug abuse programs, and juvenile diversion programs. Under Nebraska statutes the responsibility for programs such as pretrial diversion, release on own recognizance, and other pretrial programs, rests with the prosecutors and judges. The agency has an aggressive DARE and GREAT (Gang Resistance and Education and Training) Program to assist with juvenile delinquency within the state.

The Constitutional rights and privileges of all people regardless of age, creed, or gender are respected by all officers in the enforcement of traffic laws, statutes and regulations. Nebraska State Patrol officers, in the regular course of their duties dealing with the public, are required to use good judgment and discretion. In addition to physical arrest, officers may issue citations, written warnings, equipment defect cards, or use the services of mental health, social services, and juvenile services.

Strip and body cavity searches are conducted by persons of the same gender and are conducted in a location of privacy. A search warrant is obtained for all body cavity searches. The search must be conducted under sanitary conditions under the supervision of medically trained person. All strip and body cavity searches are recorded on a departmental report.

All investigative detentions, traffic stops, arrests, field contacts, searches, and seizures of property by officers and asset seizure and forfeiture efforts are based on standards of reasonable suspicion or probable cause as required by the 4<sup>th</sup> Amendment of the US Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusion which support probable cause or reasonable suspicion for an arrest, traffic stop or investigative detention. Officers are not to consider race, ethnicity, or national origin in establishing reasonable suspicion or probable cause. Officers of the Nebraska State Patrol receive training on the prevention of biased based policing in the recruit class as well as in service training.

## **Chapter 2      Agency Jurisdiction and Mutual Aid**

The Nebraska State Patrol has jurisdictional authority, both sole and concurrent, over the entire area of the state and recognizes and cooperates with city, county and federal law enforcement agencies throughout the region. In the event of an emergency situation the Superintendent may request assistance from the National Guard through the Governor or his/her designated representative. The Nebraska State Patrol enjoys an excellent working relationship with all law enforcement agencies within its jurisdiction.



**Chapter 3     Contractual Agreements**

The Nebraska State Patrol does not provide any law enforcement services by contract. This Chapter will be deemed N/A by function.

**Chapter 11    Organization and Administration**

All organizational divisions within the patrol are grouped according to functions performed for the efficient operations of the agency. All divisions within the Nebraska State Patrol fall under the span of control of the Superintendent. The department organizational charts depict the levels of command, lines of authority, and Patrol positions established for the conduct of work of the department. The organizational charts are updated by the Human Resources Division when changes occur or annually. The charts are posted by the Area and Division Commanders for access by all personnel.

Each employee within any Troop Area or Division of the Patrol is accountable to only one supervisor at any given time. Each Troop Area or Division within the Patrol has one Commander who is appointed by the Superintendent. The Commander has the authority over the operations and employees of the Troop Area or Division. Each sworn position within the organization is designated with rank. The authority of all ranks comes directly with the Superintendent who delegates, in descending order, the commensurate authority along with the responsibility of each rank. All sworn and civilian employees are responsible and accountable with the commensurate authority. Every supervisor is accountable for the performance of employees under his/her immediate control.

The Policy and Accreditation Division are responsible for the centralized forms function. They are responsible for the development, modification, and approval of all forms used by the agency. The Assistant Superintendent establishes and maintains a Long Range Planning Committee which is responsible for the development, timely updating and

publication of the State Patrol Multi-Year Plan. The plan establishes goals and operation objectives to meet future needs of the citizens of Nebraska and agency employees, anticipated work loads, population trends, anticipated personnel levels, capital improvement, and equipment needs.

The Research and Planning Division provides decision making support and operational assistance to management. The Division seeks opportunities to initiate action for employing more efficient management practiced and technology to improve departmental effectiveness, This Division also conducts feasibility, design, and modification studies, The Research Analyst assigned to the Research and Planning Division maintains an active role in the Long Range Planning Committee providing input and assisting in the update of the multi-year plan. The Research and Planning Division has access to information resources and full accessibility the Superintendent.

## **Chapter 12    Direction**

The Superintendent, who holds the rank of Colonel, has authority and responsibility for the management, direction, and control of the operations and administration of the Nebraska State Patrol. Currently, the Patrol is under the leadership of Colonel Tom Nesbitt. In the absence of the Superintendent the command authority is assigned to the Assistant Superintendent who holds the rank of Lieutenant Colonel. Exceptional and day to day command protocols are defined by policy.

The agency conducts roll call briefings through radio broadcast and/or memorandums concerning information pertaining to daily patrol operations. Troop Commanders schedule monthly meetings to disseminate information regarding new directives. All Troop Area and Division Commanders submit goals and objectives that are consistent with the operational goals of their Troop Area or Division and must be consistent with the State Patrol's Mission and Goals Statement. The Superintendent has the

authority to adopt, promulgate, and enforce rules and regulations consistent with state law. Proposed revisions of new policies are submitted to the Colonel, Lieutenant Colonel and Majors from the Policy and Accreditation office for approval. The Policy and Accreditation Office established procedures for the numbering, dating, printing and dissemination of all new or revised policies, procedures, rules and regulations.

The Nebraska State Personnel Division publishes the Classified System Personnel Rules and Regulations Manual for all employees. The Patrol post all additions, modifications, and deletions to the Policy and Procedures Manual prior to becoming effective. Changes are posted on the agency's email server to all members of the agency. A copy is then sent to the appropriate bargaining units in order to conform to existing labor agreements. All sworn personnel are issued at the time of hiring an up-to-date copy of the Department's Policy and Procedure Manual. Acknowledgement is recorded on a Policy Distribution Sign-Off Sheet.

## **Chapter 15    Crime Analysis**

The Criminal Intelligence/Crime Analysis Division provides support to law enforcement operations by monitoring the activities of criminal violators through the application of contemporary law enforcement techniques. Through surveillance, confidential sources, interviews, public records, field interviews, case reports, intelligence reports, and liaison with law enforcement agencies at all levels, information of value is developed and provided to the analytical component.

The Criminal Intelligence/Crime Analysis Division is responsible for collecting, evaluating, analyzing and disseminating Intelligence/Crime Analysis data on any individual, group, or organization that is engages in conduct defined as a criminal act by Federal and State Statutes. Information that is relevant to the operational and tactical plans of specific divisions is sent directly to the

appropriate commander. The Investigative Services Major is responsible for briefing the Superintendent's Office on crime patterns and trends as determined by the Criminal Intelligence/Crime Analysis Division. The Division disseminates the analysis as needed to support State Patrol operations.

The Criminal Intelligence/Crime Analysis Division provides the Command Staff with a comprehensive crime analysis. The analysis shows temporal and geographical distribution of selected crimes. The Intelligence/Crime Analysis process comprises a complex series of five main interconnected activities. When brought together the end result is a strategic and/or tactical plan.

## **Chapter 16    Allocation and Distribution of Personnel**

The Administrative Services Major is responsible for developing a staffing report that reflects the authorized number and type of position assigned to each Troop Area and Division by duty station, the number and type of position filled and the number and types of authorized vacant positions. The Research and Planning Division is responsible for collecting and analyzing data necessary for preparing reports utilized by the agency in assessing and distribution of Patrol personnel. The Division collects a wide range of data to complete the analysis such as the number of calls, average time required to handle specific calls, time lost to days off, holiday and other leave assignment availability factors, and geographical issues. The analysis is conducted and distributed annually.

The agency understands the importance of reviewing specialized assignments to determine if the assignments should be continued. The review helps avoid overspecialization and contribute to the continued effective operation of the agency. On an annual basis, each Major assesses every specialized assignment and makes a recommendation to continue or discontinue to the Superintendent. The assessment includes an evaluation of the initial problem or condition that required the specialized

assignment; and a cost benefit analysis of continuing the assignment. The agency announces all vacancies to be filled in order to solicit the greatest possible numbers of qualified applicants, All labor agreement provision are followed accordingly. Each vacancy announcement clearly specifies the qualifications required and the criteria for selecting personnel to fill the position.

As part of the Career Development Program, officers are afforded the opportunity to seek temporary assignments which enhance the experience and knowledge of the officer. The Superintendent has the authority to determine the development of temporary positions within the agency. The selection process to participate in the Career Development Program is clearly defined by policy. Annually, each commander submits a report to their respective Major identifying staff level positions which are filled by sworn personnel. The report documents why a law enforcement officer must fill the position rather than a civilian.

## **Chapter 17    Fiscal Management and Agency-Owned Property**

Nebraska State Statutes mandate that agency heads and other management personnel so designated have the authority and responsibility consistent with established rules and regulations adopted by the State Patrol Personnel Division. Decisions on services to be rendered, operations to be performed, and the technology to be utilized, or budgeting matters are authorized by the Superintendent.

It is the responsibility of each Troop Area and Division Commander to compile and submit a biennial budget request report to his/her respective Major. The report is based on written recommendations resulting from and in-depth operational and activity analysis that has been completed by the entity within the past six months. Budget items are prioritized in order of importance for successful operations of the Unit. The Report is submitted by April 1 of the even numbered year preceding the budget's effective date. The Biennium Starting in FY-2004 was

\$49,147,716.00. It is the responsibility of each Troop Area and Division Commander to compile an annual budget request report reviewing the applicable portion of the biennial budget. The report is submitted by the entity to its respective Major by April 1 of the year in which the annual fiscal period begins.

Personnel assigned to the Supply Division ensure that the procedures for requisitions and purchases of agency equipment and supplies are met. Standardized purchases, bidding procedures, emergency purchases and vendor selection are outlined in the Nebraska Procurement Manual.

The Nebraska State Legislature has established a cash fund within the State Patrol for auto theft investigations, criminal, drug, and liquor violations. Other investigative cash funds may be established when additional funding sources exist. The agency provides receipts for all cash fund accounts. The Superintendent or designated representative is authorized to make withdrawals from accounts in accordance with Nebraska State Statute. A bi-annual audit of change money is conducted by a supervisor during the months of January and July. The Supply/Electronic Engineering Division maintain current records for each member of the Patrol showing a complete listing of all issued equipment, uniform, items and other non-expendable items. They also maintain a current inventory listing of all agency property.

## **Chapter 21    Classification, Duties and Responsibilities**

The Nebraska State Patrol has a formal classification plan which is approved by State Personnel. Group positions and job classifications are based on similarities in duties, responsibilities, and qualifications required. The plan contains written job descriptions for all jobs within a classification utilized by the Patrol and provisions for reclassification. Compensation is related to each classification identified in the plan. The State Patrol is required to work with the State Personnel to ensure that the

Classification Plan is properly maintained. In addition to classification specifications, the Human Resources Division maintains all job descriptions on file which delineate the duties and responsibilities of each group within the Nebraska State Patrol. All job descriptions are available for review by agency personnel.

## **Chapter 22    Compensation, Benefits, and Conditions of Work**

Salaries for the Nebraska State Patrol are controlled by collective bargaining units, Each salary grade is clearly defined in policy. Salary ranges are established through collective bargaining for classification or the State Personnel Classification Plan based on an analysis of the nature, level, and scope of the work performed. Employees subject to the Fair Labor Standards Act receive premium pay of one and one half times their regular rate of pay or compensatory time off, for hours worked in excess of the normally scheduled work period. All administrative, holiday, sick and vacation leave is governed by Collective Bargaining Units and State Personnel Rules and Regulations. If a member is killed or seriously injured in the line of duty it is the responsibility of the Unit Commander to notify the family of the incident and to assist in every way possible. All sworn officers of the Patrol while on duty, except those authorized otherwise, must be dressed in a distinct uniform and display their badge of office. All uniforms and equipment are provided by the agency upon employment.

The goal of the Employee Assistance Program is to provide the employee of the Nebraska State Patrol the opportunity to seek and receive assistance with either personal or family related problems in an effort to keep the employees as a productive member. Employees of the Nebraska State Patrol are considered valuable resources as exemplified by the professional attitudes and approaches to work assignments. In order to maintain a high standard of professionalism, part-time employment is regulated to ensure that such outside activities are not detrimental to the

employee or Patrol. The agency has strict policies governing off-duty employment.

## **Chapter 24    Collective Bargaining**

The statutory employer-representative for the State of Nebraska is the Governor. The Governor appoints the Chief Negotiator for the State and he/she determines the size and composition of bargaining teams representing the State during negotiations with bargaining agents for employing organizations. The Nebraska State Patrol's role in collective bargaining is to provide input to the Chief Negotiator on topics of bargaining, express support for or opposition to provisions being bargained, suggest alternative compromise positions, and to appoint a member of members to serve on the bargaining team when requested by the Chief Negotiator.

The State Patrol employs individuals that are included in six bargaining units; law enforcement, administrative professional. Administrative support, engineering, science and technical, maintenance, trades, crafts, and supervisory. Agents for bargaining units which are organized and certified by the Commission of Industrial Relations are afforded the right to bargain collectively with the State of Nebraska regarding mandatory subjects of bargaining. The State Patrol negotiates with employee organizations in good faith and in accordance with the State Employees Bargaining Act. Prior to commencing negotiations, the parties agree to follow ground rules, The Patrol reviews and amends policies and procedures to conform to negotiated labor agreements. The Superintendent ensures that all supervisory personnel and management staff are informed of and directed to comply with the terms and conditions of all negotiated labor agreements. All agreements reached are in writing and a copy of the labor agreement is provided to all administrators and supervisors responsible for employees covered by the provisions of the contract(s). A copy of the labor agreement is made available for review by employees subject to the provisions of the agreement.



## **Chapter 25    Grievance Procedures**

An important element of the Nebraska State Patrol personnel system is the existence of a formal method that allows employees to resolve grievances with management fairly and expeditiously. Employees with grievance against the Patrol use the employee grievance procedure set forth in the Nebraska Classified System Personnel Rules, unless the employee is covered by a collective bargaining agreement which addresses grievances. The Human Resources Commander maintains and controls access to the grievance records and proceedings and allowing access to authorized personnel only. The Commander also prepares an annual review of all of the grievances filed during the past year and provides the Superintendent with any trends or specific problem areas to reduce the number of grievances. A total of seven grievances were filed in 2003 regarding leave, policy, termination, and overtime.

## **Chapter 26    Disciplinary Procedures**

Employees of the Nebraska State Patrol must conduct themselves at all times, both on and off-duty, in such a manner as to reflect most favorable on the Patrol. Conduct unbecoming includes that which brings the State Patrol into disrepute or reflects discredit upon the employees and efficiency of the agency. The Nebraska State Patrol distinguishes itself as a professional organization and is recognized as such. The Patrol has a recognition system for those individuals, both within the State Patrol and private citizens, for excellence in the performance of duties. It is considered a violation of policy for any employee of the agency to engage in sexual harassment or for any supervisory personnel to knowingly permit sexual harassment of any employee or recipient of the agency's services.

State Patrol supervisors are charged with the responsibility of maintaining discipline and enforcing the rules of conduct pertaining to employees of the Patrol. The appeals process is governed by the State Personnel Department's Classified

Rules and Regulations or the employee's respective bargaining unit. Any employee who is dismissed or discharged for misconduct or inefficient job performance is notified in writing, stating the reason for the dismissal, effective date and the status of the employee fringe and retirement benefits.

### **Chapter 31    Recruitment**

The Nebraska State Patrol written directive dealing with the personnel process identifies the procedures to be followed by personnel assigned to the recruitment process. Additional documentation in a recruitment plan stresses the participation of minorities and protected class personnel in the recruitment efforts.

The agency's recruitment plan detailed specific strategies to attract and recruit a workforce representative of its community. Ms. Tami Ringland, advised that Nebraska State Patrol's efforts include contacting local and adjoining state agencies for list of qualified applicants who would otherwise be hired by that agency; however, because the agency had met its authorized numbers for new hires, they were unable to offer them employment. Using troopers assigned to remote troop stations to conduct recruitment activities and promote the Nebraska State Patrol in their communities is a key to increasing the Patrol's exposure in these areas and achieving identified recruitment goals. Nebraska State Patrol Recruiters received training in 2002 at the Maryland State 7<sup>th</sup> annual hiring and promotional summit. The training included discussions on equal employment opportunities and other areas related to the recruitment and hiring process.

### **Chapter 32    Selection**

The Nebraska State Patrol Human Resources Division Commander is tasked with the overall administration of the selection process. The agency provides comprehensive information about the selection process to

applicants/recruits in an application handbook. This excellent tool breaks down each step in the process and describes in detail all elements and activities of the selection process.

During the panel presentation, Ms. Tami Ringland further explained the selection process. The agency's background investigation instructions pamphlet, which includes an investigator check-sheet, explains and guides investigators through each step of the process. With little previous information about background information an investigator could complete a fairly complete investigation using these instructions. The check-sheet ensures that all information required to process an applicant is included in the file. Experienced investigators coach and guide troopers assigned throughout the State to assist with investigations in their assigned areas. Known investigators from local and adjoining state agencies provide additional assistance and resources in conducting background investigations.

Polygraph examiners are licensed and trained through the state as required by Nebraska statute. Examiner certifications last one year and are provided to public and private examiners who successfully complete the course of instructions. The results of the polygraph examination are not used as the single determinant of employment status. The results are submitted to a review board, comprised of agency managers and human resources personnel, which considers the polygraph results and other pertinent applicant information. The review board vote is forwarded to the superintendent for further action.

### **Chapter 33    Training and Career Development**

Each Nebraska State Patrol Troop Area maintains a training committee. The committees review travel and training requests and serve a one-year appointment.

Employee training records are maintained through a database. Employees can access this information from anywhere an agency network terminal is maintained. While

hardcopies of training records are maintained in each personnel jacket, the database provides the most comprehensive record for training. This system allows employees to track in-service and specialized training records and the total training hours for any given period of time.

At the conclusion of the static display at the Lincoln Municipal Airport, Lieutenant Mark Williams provided a tour of the training facility. The Nebraska State Patrol Training Academy (NSPTA) is a jointly operated training facility that has recently been modified and designed for each academy's intended use. This model facility revealed numerous advantages of a specifically designed/built law enforcement training facility. From the classroom to the defensive training rooms, each area represented a thoughtful and deliberate planning process to effective training. More than sufficient space is provided for all training activities to include defensive tactics, judgment shooting, computer training, and other space specifically designated for a particular activity. Instructors are provided private offices to work and common space for document layouts, etc. Secretarial space is located adjacent to the instructor. Additional office space for visiting instructors, troopers, or guests is provided. A modest library is provided for recruits and instructors; however, with the academy access to the Internet, its use is minimal. The academy was neat and well organized with up-to-date audio-visual equipment. Safety equipment could be found in all areas with a potential for injury. The Training Academy Candidate (TAC) Manual is provided to recruits and offers the type of information a recruit would need at the time the academy training begins.

#### **Chapter 34    Promotion**

The Superintendent has the sole authority to promote personnel. The Human Resources Commander is responsible for implementing the policy and administering the promotional process. Promotional processes are conducted at least every 24 months, per agency policy.

Announcements are made to each troop area and are posted on the bulleting board.

Procedures for sworn positions above the rank of lieutenant are announced when a vacancy occurs, and do not follow the 24 month schedule for sergeant/lieutenant promotional processes. Ms. Sue Dedick, Human Resources, provided additional information on the promotional process for command level positions. The process for these vacancies can vary based on the current needs of the Patrol and is open to qualifies sergeant and above. A job task analysis, conducted by the company, Jeanneret & Associate, has been developed to ensure the promotional process is job related and non-discriminatory.

The Superintendent's Office is tasked with reviewing the result of the process and publishing a list. Offers of promotion are at the discretion of the Superintendent.

## **Chapter 35    Performance Evaluation**

The Nebraska State Patrol conducts performance appraisals on employees at least annually, per agency directive, and Nebraska State regulations. A performance summary sheet highlights specific dimensions of work performance that serves as the basis of the overall evaluation.

The Patrol performance appraisal system goes a step further that the minimum requirement set forth in CALEA's related standards by requiring quarterly evaluations for all employees. Newly assigned sworn employees are evaluated daily while in the eighteen-week field training officer program and quarterly thereafter.

Supervisors must complete a performance review plan for employees demonstrating unsatisfactory performance. The plan has to be specific to the problem(s) with recommendations and goals to overcome them. The Nebraska State Patrol employee performance plan provides that the plan is reviewed and discussed in advance, to allow the employee a clear understanding of the performance

expectation for their position. Supervisors must document this meeting in a memo, indicating the plan was reviewed and to confirm that the employee is aware of the job performance criteria..

The collective bargaining agreement between the two unions representing Nebraska State Patrol employees specify that the two most recent annual performance appraisals be maintained in the employee's personnel file. However, annual appraisals that are the basis for agency defense of discrimination charges may be retained beyond the guidelines in the agreements.

#### **Chapter 41   Patrol**

Nebraska State Patrol maintains a day shift (0600/0700 hour start time) and a night shift (1600/1700 hours start time). Personnel who are required to respond to an incident between the hours of 1200-0600 hours are designated as such and place in an "on-call" status. Notices are provided through the Patrol's communication function to the immediate supervisor of the on-call employee.

Nebraska State Patrol does not provide for roll calls; employees are on-duty when they leave their residences and receive updates or briefing through the communication system or through notices in the troop stations. Supervisors are responsible for ensuring that employees are briefed and aware of pertinent information as they begin their tour of duty.

The agency employs a number of special purpose vehicles in support of its mission. They include wing aircraft, canines, mobile evidence trailers, hazardous device vehicles and other specialty vehicles.

Nebraska State Patrol Trooper who engages in a pursuit must complete a pursuit critique and narrative. The critique and narrative appears to meet the needs of the organization and the public by ensuring that the reasons for initiating and continuing a pursuit are sound and in the best interest

of the public. State statutes provide for specific requirements when engaging in pursuits, to include identifying the types of vehicle that can engage in a pursuit. Interestingly, during the static display the assessor noted that some special purpose vehicles are authorized to engage in pursuit, however, are not specifically identified as a pursuit vehicle as required by State statute,

The source documentation for the annual pursuit analysis is provided for in the pursuit critique and narrative completed by the pursuit trooper. The analysis for 2003 offered a conclusion and recommendation based on supplied critiques and narratives.

Nebraska State Patrol policy and procedure covering field interview is an excellent tool for troopers-it provides procedures and guidelines for various types of interviews to be conducted. The guidelines do not diminish trooper discretion and are extremely comprehensive.

The patrol policy and procedures on missing persons is represented in several operational policies. Some are specific to mission person requirements, while others are more general in their function. For example, the policy on criminal investigations by uniformed officers was used to represent the standard's requirements, and the language in the policy was general enough to conclude that the trooper would meet the standard by following this procedures. It could present a problem for a trooper trying quickly to located procedures on missing persons in a single source document. Regarding missing children, the agency references an outside source document, Missing and

Abducted Children, by the Office of Juvenile Justice and Delinquency Prevention, for procedures to assist employees when conducting missing children investigations.

## **Chapter 42    Criminal Investigation**

Troop Lieutenants are responsible for assigning investigation cases to troopers based on the agency's written criteria. The case assignment form, to be completed

by the trooper offers additional information for a supervisor to determine if the case should receive an investigator follow-up. Nebraska State Patrol policy identifies the patrol officer as being responsible for conducting preliminary investigations. Based on the investigation and the information provided by the trooper, a supervisor will assign the case for further investigation or other action.

The Nebraska State Patrol procedure on case management and review establishes steps to be followed by troopers/investigators in an investigation. The procedures were logical and appropriately sequenced. Investigators conducting follow-up investigations are given discretion to deviate from the steps based on the needs of the investigation, and their experience.

Because the Patrol does not conduct roll calls, investigators who are frequently assigned to troop stations or who maintain office space at the troop stations, relay information and updates on criminal investigations via e-mail, radio announcements, or notices to the troop commanders.

Informant confidentiality and security is provided for in the Nebraska State Patrol written procedures. Funds are authorized and governed by state statute. Strict limits on the amount an investigator can withdraw from the cash fund without additional authorization are defined in their written policy. Troopers are permitted to use confidential informants provided that they follow established procedures. However, parolees and convicted persons are prohibited by statute to be used as informants; investigators felt that this restriction can inhibit criminal investigations.

#### **Chapter 43    Vice, Drugs and Organized Crime**

Through the use of the Nebraska State Patrol's Intelligence Information form all information pertinent to organized crime and vice activities can be recorded in a single document. Additional forms/checklists and statistical



reports are used to further document critical information patterns and trends.

The Nebraska State Patrol Field Intelligence Representative (FIR) is responsible for the security of vice, drugs and organized crime records in the individual troop areas. Field visits by the assessor confirmed security of these records.

#### **Chapter 44    Juvenile Operations**

The Nebraska State Patrol's juvenile prevention programs include Drug Abuse Resistance Education (D.A.R.E.) and Gang Resistance Education and Training (GREAT). The (GREAT) program is a three-day summer program with games and activities designed to teach students how to handle conflict, recognize drugs and gang activity and resist peer pressures. Troopers supervise and coordinate all activities.

Departmental policy limits juvenile interrogations to no more than two officers and places a reasonableness standard on the length of time of the interrogation, but should be no longer than two to three hours. Documenting all circumstances that may have contributed to extended questioning period is required.

The Junior Law Academy and Junior Cadet are programs sponsored by the agency in association with local high schools. The programs are conducted at the training facility. This appears to be an excellent environment that places a positive light on law enforcement as a career choice and affords constructive interaction between troopers and the community's youth.

#### **Chapter 45    Crime Prevention and Community Involvement**

Most of the standards in this chapter were designated 20 percent by the agency. The core of the Nebraska State Patrol's community policing and crime prevention strategy is represented by their participation in programs such as

## **Chapter 46    Unusual Occurrences and Special Operations**

Crime Stoppers. No other programs were provided during the on-site.

The Nebraska State Patrol's response to unusual occurrences can be found in the State of Nebraska Emergency Operation Plan. This plan combines the efforts and resources of agencies, departments, and commissions within the state in an effort to identify the roles and responsibilities of each group during an emergency or disaster. The agency also maintains its own written policies and procedures for protocols for which it is primarily responsible. Command and control is clearly identified in the agency's policy, along with succession in the event a commander is unavailable. Additional guidelines are provided for in unique situations requiring the use of highly specialized units.

The Bomb Disposal Unit is assigned on a part-time basis, although the unit is available on an on-call basis. Each team member is responsible for maintaining key equipments in the event of a call-out. The agency has entered into several cooperative agreements with local agencies in an effort to maximize the capabilities of both agencies and provide for a ready response throughout the state. The unit has the benefit of state-of-the-art detection and disposal equipment and is frequently activated to respond to an incident. For example, assessors reviewed the after-action report on the Hallam tornado, May 22, 2004. The report follows procedures outlined in the emergency plan for the state and is written with sufficient detail, that an effective evaluation of Nebraska State Patrol response could be developed.

SWAT team members are selected with a troop area when vacancies occur. A special assessment of eligible SWAT candidates is conducted by a consultant, hired to evaluate each candidate's suitability for this high-risk assignment. Factors such a stress and psychological problems are studied. An interview with the candidate by a psychologist to review overall job adjustment and reaction to stress is

## **Chapter 51    Criminal Intelligence**

also performed. Overall, this appears to be an excellent tool in selecting the best candidate for the job.

The Nebraska State Patrol intelligence function provides a statement of intent which is the framework for procedures that govern the agency's intelligence activity. Intelligence information handled by the agency is classified as confidential. The intelligence function was recently relocated to a facility that affords additional physical security features to include, a burglar/fire alarm system and separate locking files. Data system security is installed on all computers in the intelligence unit; intelligence records are separated from the agency's normal record system.

## **Chapter 52    Internal Affairs**

The Internal Affairs Commander is charged with providing weekly notifications to the Superintendent of complaints against employees. Complainants are informed in writing when the agency receives their complaints. Updates on the status of a complaint and subsequent results following the conclusion of the internal investigation are also provided to the complainant.

Nebraska State Patrol internal affairs investigation summaries are published in the agency's annual report. The report provides totals for the current year and previous year, with the percentage calculated for changes that may have occurred. A brief description of the investigation process and types of investigations conducted is also provided in the annual report. Agency personnel and the public can access this information from the agencies Internet website, which contains its annual report. Individuals without Internet access can call and request this information be sent.

## **Chapter 53    Inspectional Services**

Nebraska State Patrol policy on Line and Staff Inspections adequately covered procedures for conducting line inspections. Line inspections of agency sworn personnel, facilities, and equipment occur regularly. A unit Inspection Report is to be completed and submitted at least one time each year. Unit Inspection Report and inspection reports from specialized units include SWAT Monthly Equipment Checklists were available for review. Each Patrol component was required to have a staff inspection at least once every three years.

#### **Chapter 54    Public Information**

The Public Information and Community Policing policy provided direction for agency personnel. Documentation supporting compliance with the bullets in this standard included several news releases printed from the department website and media advisory copies. A copy of the Nebraska Bar Association Press Guidelines was also included in the file.

The Nebraska State Patrol solicited input from several media components throughout the state regarding policies and procedures related to the public information function. Return correspondence from the editor of the Lincoln Journal Stat and the News Director for KHAS-TV in Hastings were included in the file. The Nebraska State Patrol has a comprehensive policy for media relations. This policy covers media representatives' access to crime scene perimeters, accident scenes, major fires and natural disasters. A media advisory for a National Socialist Movement Rally at the Capitol described the practice of media participation and partnership within the agency.

#### **Chapter 55    Victim/Witness Assistance**

The Victim/Witness Assistance policy of the Nebraska State Patrol and the Nebraska State Statutes contained information pertaining to the rights of victims and witnesses. A Victim/Witness Assistance Guide is available and is provided to victims and witnesses. The Standard

Operating Procedures for Intelligence/ Crime Analysis provide guidelines for protecting the confidentiality of victims and witnesses and their roles in case development. The Assistant Attorney General expressed appreciation for support provided by the Nebraska State Patrol when the Court sought continued funding under the Violence Against Women program. The Executive Director of the Nebraska Domestic Violence Sexual Assault Coalition wrote on behalf of 22 local domestic violence/sexual assault programs to express appreciation for a \$25,000 grant for their statewide Spanish hotline.

The Victim/Witness Assistance policy designated each Troop Area Headquarters as a 24 hour per day point of contact for information and referrals regarding victim/witness services available in the state. The Victim/Witness assistance policy and the Nebraska State Statutes contained information regarding assistance to be provided to victims and witnesses who have been threatened or determined to be possible targets of intimidation.

Information related to victim/witness assistance services is available during preliminary investigations. Additionally, victim/witness assistance services available during follow-up investigations were contained in the victim/witness assistance policy. The policy on criminal investigations by uniformed officers contained more specific information regarding re-contacting victims and witnesses. Victim/Witness assistance services related to arrest and post-arrest situations are primarily handled by the individual County Attorney.

## **Chapter 61    Traffic**

During late September, The Highway Safety Section of the Nebraska Department of Roads publishes an annual report entitled Traffic Crash Facts. This publication contains a detailed analysis of statewide traffic crash data. A semi-annual analysis of traffic enforcement activities is performed according to the Research and Planning Division

Standard Operating Procedure. At the time of the onsite, the Research and Planning Division has not received the 2003 edition of Traffic Crash Facts, and an analysis of the enforcement and crash data provided by the Department of Roads was pending. A separate analysis was performed by the Nebraska State Patrol to compensate for the late September crash data release.

Various selective enforcement techniques were covered in the Selective Traffic Enforcement policy. Mini-Grant Contract Application and Award forms containing information about underage alcohol enforcement efforts, enforcement activities at the Comstock Rock Festival detail, and activities associated with a joint agency enforcement detail to impact intoxicated driving in Scotts Bluff County were available for review.

Uniform procedures for taking enforcement action, physical arrests, citation, and warnings that were incidental to traffic law violations were contained in several Nebraska State Patrol directives. These directives included the Guidelines for Traffic Enforcement Arrests policy, the Arrests policy, and the Limits of Authority policy. Procedures for handling traffic law violations committed by nonresidents of Nebraska were included in the Guidelines for Traffic Enforcement Arrests policy. The juvenile policy contained information for handling juvenile traffic law offenders. The Nebraska State Patrol policy entitled Traffic Violations Involving Foreign Diplomats/Consular Officials/Legislators/Military adequately addressed the standard. Section 15 of Article III of the Nebraska State Constitution provided legislature immunity from arrest, except for treason, a felony, or a breach of the peace, for the time period of fifteen days before and after a legislative session and during the session.

Motorists charged with a traffic violation are provided with all the necessary information, according to the Guidelines for Traffic Enforcement Arrests policy. Nebraska State Statutes require that all vehicles used for traffic law enforcement by the Nebraska State Patrol be equipped with

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 47

a flashing red light on top of the vehicle, and the conspicuously lettered words "State Patrol" on the rear of the vehicle. The markings and red lights were observed on traffic enforcement vehicles during the static display and at other times during the onsite. The Use of Emergency

Vehicle Equipment policy provided traffic enforcement officers guidelines for conducting stationary observation of traffic. These guidelines included parking in conspicuous locations and utilizing off-road observation points that do not suggest the appearance of a speed trap.

Sworn officers in vehicles not marked with "State Patrol" or "Carrier Enforcement" are prohibited from engaging in traffic stops, unless the officer believes that not stopping a vehicle would result in a hazard to other motorists, such as intoxicated drivers, or careless operation of a vehicle. The Vehicle Check Stop policy contained guidelines for conducting roadside safety checks.

Procedures for stopping and approaching traffic law violators were clearly described in the Traffic Enforcement Arrests policy and the Mobile Radio Operation policy. These procedures include choosing a safe location for the stop, utilizing emergency equipment to signal the driver, approaching the vehicle, communicating with the violator, determining enforcement action, requesting assistance, and safely returning the violator to the flow of traffic. Altering the future driving habits of violators through the professional interaction with officers is the paramount objective of the traffic enforcement efforts of the Nebraska State Patrol.

Policies for the operation of radar, Visual Average Speed and Recorder (VASCAR), governed the use of these speed measuring devices by Nebraska State Patrol officers. During the static display on Sunday morning, Trooper David Frye demonstrated a good working knowledge of radar and VASCAR operations and policies, including the maintenance and calibration procedures. Training material,

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 48

maintenance records, user manuals, and equipment specification sheets were on file.

The Nebraska State Patrol Alcohol Enforcement Countermeasures Program was contained in the Driving While Impaired (DWI) Enforcement policy. News releases associated with the “You Drink and Drive, You Lose” campaign and enforcement efforts following the Independence Day weekend activities. During the panel review, an informative presentation on DWI countermeasures was provided by Captain James Parish. Two Nebraska State Statutes and the driving while intoxicated enforcement policy contained the established procedures for officers handling persons charged with alcohol/drug driving offenses. The Nebraska State Patrol policy included pre-arrest screening and detection information and arrest and processing procedures. The state statutes contained information on penalties for intoxicated driving offenses and the Nebraska implied consent law.

The Pedestrian/Bicycle/Off-Road Vehicle and Parking Enforcement policy provides guidelines for parking enforcement activities. The Traffic Accident Investigation policy provided guidance related to crashes involving death or injury, property damage, hit-and-run, alcohol/drug impairment, hazardous material loads and private property locations. Captain James Parish discussed collision reporting and investigations with the assessors during the panel review session. The Traffic Accident Investigation policy contains response requirement related to collision involving death and injury, hit and run, alcohol/drug impairment, damage to public vehicles or property, hazardous materials, disturbances between involved individuals, post collision traffic congestion, and vehicles with damage that necessitates towing.

The procedural responsibilities of responding officers at the scene of vehicle collisions were contained in the Traffic Accident Investigation policy. Additional procedural information related to collecting information at collision



## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 49

scenes was contained in the First Responding Officer's Homicide Crime Scene Checklist, the Investigator's Homicide Crime Scene Checklist, the Traffic Auxiliary Services policy and the Property Management of In-Custody Evidence/Found Property.

The Traffic Engineering policy contained specific information related to potentially hazardous roadway condition that requires notification of state or local area engineers. Engineering deficiencies are communicated to the appropriate engineer on State Patrol letterhead and routed via the chain of command. Procedures for traffic direction and control, specific to traffic collision scenes, were contained in the Traffic Accident Investigation policy. Traffic direction and control by manual hand signals, at fire scenes, and during adverse weather and road conditions was contained in the Traffic Direction and Control Functions policy. A Nebraska State Patrol directive specifically provided limitations and prohibitions for providing certain law enforcement escort services. Escorting civilian vehicles in emergency situation was prohibited. Roadblock use and implementation procedures are contained in the pursuit policy. Specifically, roadblocks are used only if deadly force is justified and supervisory or command level approval is obtained.

Nebraska State Patrol directives related to Traffic Auxiliary Services provide general guidance to officers regarding assistance to motorists. Protection of stranded motorists and emergency assistance were specifically addressed in the Traffic Auxiliary Services directive. A directive related to "Project Help" explained procedures for using Salvation Army vouchers to purchase assistance for food, emergency lodging, car repairs, or gasoline. Actions to be taken to correct hazardous highway conditions were included in the Traffic Accident Investigation, the Traffic Direction and Control Functions, and Traffic Auxiliary Services directives. These three directives provided members of the Nebraska State Patrol specific guidance when encountering hazardous road conditions, damaged traffic control devices,

and crash causation factors that involve engineering solutions.

Troop Area Commanders or their designee maintain safety education materials and make them available upon request. Information items relating to avoiding crashes with wildlife, use of emergency highway help line, the 511 weather and travel information hotline, and winter driving precautions were available.

## **Chapter 71    Prisoner Transportation**

The Transportation of Subjects in Custody policy mandated the search of all prisoners by Nebraska State Patrol officers before being transported. A limited pat-down search for obvious weapons was authorized in the policy for situation involving arrests of persons who are the opposite sex of the officer. The Transportation of Subjects in Custody policy also contained specific language requiring officers to search vehicles before and after transporting prisoners. The policy covered instances when a subject is transported in a patrol car with a cage and without a cage. Conditions where officers may interrupt prisoner transports for necessary stops and/or to render emergency assistance were also contained in the Transportation of Subjects in Custody policy.

Officer, citizen, and prisoner safety concerns were specifically mentioned in the Transportation of Subjects in Custody policy along with the discretion of the transporting officer as to when prisoners may communicate with companions and other persons. Actions to be taken by officers transporting prisoners, upon reaching a detention facility, were contained in the policy. These actions included securing the officer's firearm in a lock box provided by the detention facility, removing restraining devices in a designated area of the facility, providing necessary information/documentation to the booking officer, obtaining the signature of the booking officer to document the transfer of the prisoner to the detention facility, and notifying the detention officials of medical or

security hazards to include suicidal tendencies of the prisoner.

The policy provided procedures for officers to follow when a prisoner escapes while being transported. These procedures included immediately notifying appropriate agencies within the local patrol area to gain assistance, notifying the officer's immediate supervisor, preparing a criminal investigative report to document details of the escape, and filing follow-up reports as deemed necessary by the officer's immediate supervisor. Restraining devices and methods to be used during prisoner transports were contained in the Transportation of Subjects in Custody policy. Prisoners transported in State Patrol vehicles are handcuffed behind their back, unless physical limitations require the cuffs to be applied to the front with palms outward.

Procedures for the security and control of prisoners transported to medical care facilities or hospitals for treatment, including admissions, were contained in the Transportation of Subjects in Custody policy. The use of straight jackets for mentally disturbed individuals is authorized by policy. Department-provided security for prisoners required to be hospitalized is authorized when other security arrangements are not possible.

**Chapter 72    Holding Facility**

The Nebraska State Patrol does not maintain holding cells.

**Chapter 73    Court Security**

The Nebraska State Patrol does not perform a court security function and does not maintain holding cells.

**Chapter 74    Legal Process**

By Nebraska law, sheriffs are responsible for maintaining files associated with the service of criminal and civil legal process papers. The Nebraska State

Patrol will only serve civil process papers when specifically appointed by the Court. When criminal or civil process is assigned by the Court, case file numbers are assigned and recorded on an investigative memorandum.

The Legal Process – Civil and Criminal Warrants and Records policy requires Nebraska State Patrol Officers to document all attempt to serve legal process documents. Civil and criminal warrants and records including the execution of legal process documents by officers were noted in the department directive. The Legal Process – Civil and Criminal Warrants policy contained information specific the execution of criminal process.

The Property Management of In-Custody Evidence and Found/Recovered Property policy provided strict accountability for property acquired through civil process, including the final disposition of property through appropriate legal authority.

## **Chapter 81   Communications**

Communications Standard Operating Procedures require the operation of the two-way radio system in accordance with Federal Communications Commission (FCC) rules, regulations, and procedures. The Nebraska State Patrol utilizes 1-800-525-5555 for the reporting of emergency calls for service. The toll-free number is publicized in area telephone directories. The Communications Operations Standard Operating Procedure contained information related to maintaining Troop Area Communications Centers 24 hour per day to provide service to the public and constant communications with officers. Security measures for Troop Area Communications Centers are contained in the State Patrol Communications System policy. The policy includes limiting access to center personnel, on-duty officers with official business, or with authorization of the Troop Area Commander or Communications Commander.

The State Patrol Communications System policy provides guidance on obtaining and recording relevant information

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 53

pertaining to criminal or non-criminal services or self-initiated activity. This information includes a unique control number, the date and time of the request for service, the name and address of the individual, the type of incident, the location of the incident, the name of assigned officers, the dispatch time, the time of arrival, the time the officer completed the assignment, and disposition information.

During the static display, receivers used to monitor other agency radio traffic were observed in Patrol vehicles. Criteria are established for determining the number of officers to assign an incident. The Communications Operations Standard Operating procedure contains information related to immediate access the officer in charge, duty roster of all personnel, telephone numbers of agency members, maps of the troop areas, and status log sheets to indicate location and service status of officers on duty. The State Patrol Communications System policy contains guidelines for procuring emergency and necessary services from other agencies. The communications policy also contains tactical dispatch plans, including responses to bomb threats, domestic disturbances, bank and burglary alarms, and officers requesting back-up.

Procedures followed by communications personnel when responding to victim/witness calls for information services are contained in the Communications Operations Standard Operating Procedure. Included in the standard operating procedure were guidelines for determining if the call required an emergency or non-emergency response. Direct response by the agency or referral to another agency was also contained in the standard operating procedure.

According to the State Patrol Communications System policy, all radio traffic, public telephone, and emergency numbers are recorded 24 hours a day. Tapes are available for immediate playback at any time. The tapes are maintained for 60 days and review of tapes is authorized for communications personnel and duty supervisors. A supervisor may authorize copies of radio/telephone recordings.

Troop Area Communications Centers and mobile units are equipped with 39.9 mutual aid radio channels. This system allows for communications between the state patrol and other public safety agencies. Criteria for accepting and delivering emergency messages were described in the State Patrol Communications System policy.

## **Chapter 82   Records**

Privacy and security of agency records pertaining to juveniles allowed for separation from adult offenders. This separation applied to situations involving the collection, dissemination, and retention of fingerprints. Dissemination of juvenile fingerprints is only authorized in felony cases. Access to department records and the physical security of the retention area was contained in the Written Reports and Dissemination policy. During the onsite visits to Headquarters Troop and Troop A, Team Leader Munday observed juvenile and adult records stored together in the same file area. Troop personnel initiated corrective measures upon discovery of the commingled records.

The Criminal History Records policy addressed dissemination of Criminal History Record Information, including applicable restrictions. Security protocols related to Criminal History Record information were specifically addressed in the policy. The schedule for retaining agency records is contained in the Nebraska State Patrol Records Retention Manual.

Procedures for collecting and submitting crime data for Uniform Crime Reporting is contained in the Offense/Investigative Data Form Standard Operating Procedure. Central Records information is available for operations employees on a 24 hour basis in either manual or computer search during daytime hours, or electronically during evening and early morning hours. The Nebraska State Patrol procedures for accounting for the status of reports, including complaint recording and field reporting systems were contained in the Offense/Investigative Data Report help manual.

## ASSESSMENT TEAM'S FINAL REPORT

Nebraska State Patrol

PAGE: 55

Procedures for performing central records computer back-ups and storage were contained in the Information Technology and Enterprise Networks Technology Acceptable Use policy. This policy specifically addresses off-site storage of media containing the full back-ups to the server on a monthly and weekly basis. Differential back-up copies are made on two enterprise tape libraries and maintained within the division. The policy also mentioned selected sensitive data sets stored on DEV media at an off-site location determined by the Information Technology Division Commander, and a second copy stored at the Nebraska Records Division storage vault.

The field reporting system of the Nebraska State Patrol was established by the Written Reports and Documentation policy. The policy contained the types of reports to be generated, guidelines for submission, and information to be submitted. The Case Numbering System policy requires reporting on every incident involving a citizen report of crime, citizen complaints, incidents where officers are dispatched or assigned, criminal and non-criminal cases initiated by law enforcement personnel, and incidents involving arrests, citations, or summonses. The Case Numbering System policy provides information about the case numbering system used for all requests for law enforcement services. The numbering system consists of the Troop Area or other component where the incident originated, the current year, the offense code number determined by the employee, and a five-digit sequential number.

Records related to crimes by type and location were covered by the File Numbering System policy. Stolen, found, recovered, and evidentiary property file records procedures were contained in the Property Management of In-Custody Evidence and Found/Recovered Property policy. This policy required all evidence to be returned to the owner or otherwise disposed of no longer than six months after the final disposition of the case. Evidence Control Technicians, on a monthly basis, determine if evidence is subject to disposal or return to owners.

The Nebraska State Patrol citation control policy contained procedures for issuing, accounting for, and securing of citations. The written reports and dissemination policy specified reports to be held at the division level. The policy also allowed for separation of intelligence records from other case reports and securing personnel records within the Human Resources Division. The Criminal Identification Division assigned unique identification numbers to each person arrested. The numbering system is designed to insure that numbers are not duplicated or skipped.

The Criminal Investigation Standard Operating Procedure contained criteria for recording arrest information including report preparation and content, fingerprinting persons charged with felonies to include felony fugitives, and photographs of incarcerated individuals. The Combined Law Enforcement Information Network (CLEIN) Manual, the National Crime Information Center (NCIC) manual and the Communications Operations section of the Personnel Standard Operating Procedure provide procedures for maintaining a warrant and wanted persons file.

### **Chapter 83    Collection and Preservation of Evidence**

Nebraska State Patrol Criminal Investigators and Accident Reconstructionists are available 24 hours per day to process crime and traffic collision scenes. Several subject areas of the Criminal Investigations Standard Operating Procedure required collection of known source samples for comparison with physical evidence collected. Guidelines and procedures for the collection, processing, and preservation of physical evidence gathered in the field are contained in the Collection and Preservation of Evidence policy and the Criminal Investigations Standard Operating Procedures.

The Photography Tips Guidelines section of the Criminal Investigations Standard Operating Procedure provided guidance on topics such as the type of film to use, flash photography considerations, and photographing or videotaping without police personnel present. The Fingerprints section of the Criminal Investigations Standard



Operating Procedure contained steps for processing, developing, lifting, and labeling fingerprints collected and preserved as evidence.

During the static display assessors viewed one of the major case unit trailers. The trailers contained an assortment of equipment and evidence gathering supplies to effectively recover latent prints and collect/preserve physical evidence. Mobile crime scene trailers also contained equipment to facilitate crime scene sketch and photography.

Report preparation by officers processing crime scenes is addressed in the Criminal Investigations Standard Operating Procedure. Report preparation by officers processing traffic collision scenes is addressed in the Traffic Accident Investigation policy. The Collection and Preservation of Evidence policy and the Criminal Investigation Manual provided procedures for the submission of evidence to the Crime Laboratory, including the person submitting the evidence, methods to be used for packaging and transferring evidence to the laboratory, and documentation to be sent with the evidence when submitted.

#### **Chapter 84 Property and Evidence Control**

Items that are placed into evidence are properly logged into the agency's Lotus Evidence database system. Items that are placed into evidence during hours that the Evidence Control Technician is unavailable are secured in the temporary storage facilities located throughout the state. A report is completed by the officer detailing each piece of evidence seized. Agency operating procedures provide instructions for the packaging and labeling of many different types of evidence that the officer might encounter. Troop Area Commanders are required to rent a suitable safety deposit box at a local institution in the Troop Area Headquarters city for storage of monetary evidence. The Evidence Control Technicians place items of high monetary value in a separate, locked, secure area located within the evidence control area. Procedures exist governing the final

release of property items. Troop Area Division Commanders are required by policy to designate specific locations for storing all evidence and found property with their respective areas. The agency utilizes an Evidence Room Entry Log Form to identify people entering the evidence room. Only authorized personnel are allowed to enter these premises. The Troop Area or Division Lieutenant is required to inspect the evidence and control storage area monthly for Troop Area Headquarters cities and at remote area locations. At least one of the inspections is unannounced and coordinated through the Inspection Division Commander. Annually, the Commander inventories all evidence control areas of the State Patrol.

U. **Summary and Recommendations:**

The assessment team was extremely impressed with the professional attitude and commitment displayed by the members of the agency. The Nebraska State Patrol is an organization with a steadfast vision consistent with their stated goals and objectives. Trust, respect, and confidence characterize the employees of the State Patrol.

At the conclusion of the onsite, the assessment team found the Nebraska State Patrol to be in compliance with all the applicable standards. Members of the team are in agreement that the agency should be recommended for accreditation by the Commission.

Respectfully Submitted,

W. David Munday  
Team Leader